

**United States District Court
Western District of Michigan (Southern Division (1))
CIVIL DOCKET FOR CASE #: 1:18-cv-01156-JTN-ESC**

Varnum LLP v. United States Department of Labor
Assigned to: Judge Janet T. Neff
Referred to: Magistrate Judge Ellen S. Carmody
Cause: 05:552 Freedom of Information Act

Date Filed: 10/09/2018
Jury Demand: None
Nature of Suit: 895 Freedom of Information Act
Jurisdiction: U.S. Government Defendant

plaintiff

Varnum LLP

represented by **Aaron M. Phelps**
Varnum Riddering Schmidt & Howlett LLP
(Grand Rapids)
Bridgewater Place
333 Bridge St., NW
P.O. Box 352
Grand Rapids, MI 49501-0352
(616) 336-6257
Email: amphelps@varnumlaw.com
ATTORNEY TO BE NOTICED

V.

defendant

United States Department of Labor

represented by **Carolyn Ann Almassian**
U.S. Attorney (Grand Rapids)
The Law Bldg.
330 Ionia Ave., NW
P.O. Box 208
Grand Rapids, MI 49501-0208
(616) 808-2028
Email: Carolyn.Almassian@usdoj.gov
ATTORNEY TO BE NOTICED

intervenor

**Blue Cross Blue Shield of Michigan Mutual
Insurance Co.**

represented by **Andrew J. Clopton**
Jones Day
150 W Jefferson Ave., Ste. 2100
Detroit, MI 48226
(313) 733-3939
Email: aclopton@jonesday.com
ATTORNEY TO BE NOTICED

Arthur T. O'Reilly
Jones Day
150 W Jefferson Ave., Ste. 2100
Detroit, MI 48226
(313) 230-7925
Email: atoreilly@jonesday.com
ATTORNEY TO BE NOTICED

C. Kevin Marshall
Jones Day (DC)
51 Louisiana Ave., NW
Washington, DC 20001-2113
(202) 879-3851
Email: ckmmarshall@jonesday.com
ATTORNEY TO BE NOTICED

Rebecca D'Arcy O'Reilly
Bodman LLP (Detroit)
6th Fl. at Ford Field
1901 St. Antoine St.
Detroit, MI 48226
Email: roreilly@bodmanlaw.com
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
10/09/2018	1	COMPLAINT for Declaratory and Injunctive Relief against United States Department of Labor filed by Varnum LLP (Attachments: # 1 Exhibit 1, # 2 Exhibit 2, # 3 Exhibit 3, # 4 Exhibit 4, # 5 Exhibit 5, # 6 Exhibit 6) (Phelps, Aaron) (Entered: 10/09/2018)
10/09/2018		FILING FEE PAID re 1 by plaintiff Varnum LLP in the amount of \$400, receipt number 0646-4258616 (Phelps, Aaron) (Entered: 10/09/2018)
10/11/2018	2	NOTICE that this case has been assigned Janet T. Neff ; with NOTICE OF DEFICIENCY re corporate disclosure statement (ems) (Entered: 10/11/2018)
10/11/2018		SUMMONS NOT ISSUED as to defendant United States Department of Labor (<i>none provided; please refer to Federal Rule of Civil Procedure 4(i) regarding service on the United States and Its Agencies, Corporations, Officers, or Employees</i>) (ems) (Entered: 10/11/2018)
10/11/2018	3	PROPOSED SUMMONS to be issued re 1 (Phelps, Aaron) (Entered: 10/11/2018)
10/11/2018	4	CORPORATE DISCLOSURE STATEMENT by Varnum LLP (Phelps, Aaron) (Entered: 10/11/2018)
10/12/2018		SUMMONS NOT ISSUED as to defendant United States Department of Labor ; <i>please refer to Federal Rule of Civil Procedure 4(i) regarding service on the United States and Its Agencies, Corporations, Officers, or Employees</i> (pjw) (Entered: 10/12/2018)
10/12/2018	5	PROPOSED SUMMONS to be issued re 1 (Phelps, Aaron) (Entered: 10/12/2018)
10/15/2018	6	SUMMONS ISSUED as to defendant United States Department of Labor, U.S. Attorney and U.S. Attorney General (ems) (Entered: 10/15/2018)
11/15/2018		(NON-DOCUMENT) ATTORNEY APPEARANCE of Carolyn Ann Almassian on behalf of defendant United States Department of Labor (Almassian, Carolyn) (Entered: 11/15/2018)
11/15/2018	7	ANSWER to complaint, 1 with affirmative defenses by United States Department of Labor (Almassian, Carolyn) (Entered: 11/15/2018)

11/15/2018	8	ORDER setting Rule 16 scheduling conference: Rule 16 scheduling conference is set for 1/2/2019 at 11:00 AM at 401 Federal Building, Grand Rapids, MI before Judge Janet T. Neff; joint status report due by 12/26/2018; signed by Judge Janet T. Neff (Judge Janet T. Neff, rmw) (Entered: 11/15/2018)
11/19/2018	9	UNOPPOSED MOTION to intervene intervenor Blue Cross Blue Shield of Michigan Mutual Insurance Co. by intervenor Blue Cross Blue Shield of Michigan Mutual Insurance Co.; (Attachments: # 1 Exhibit 1) (O'Reilly, Arthur) (Entered: 11/19/2018)
11/19/2018	10	BRIEF in support of UNOPPOSED MOTION to intervene intervenor Blue Cross Blue Shield of Michigan Mutual Insurance Co. 9 filed by Blue Cross Blue Shield of Michigan Mutual Insurance Co. (O'Reilly, Arthur) (Entered: 11/19/2018)
11/19/2018	11	CERTIFICATE regarding compliance with LCivR 7.1(d) re UNOPPOSED MOTION to intervene intervenor Blue Cross Blue Shield of Michigan Mutual Insurance Co. 9 filed by Blue Cross Blue Shield of Michigan Mutual Insurance Co. (O'Reilly, Arthur) (Entered: 11/19/2018)
11/20/2018		(NON-DOCUMENT) ATTORNEY APPEARANCE of Andrew J. Clopton on behalf of intervenor Blue Cross Blue Shield of Michigan Mutual Insurance Co. (Clopton, Andrew) (Entered: 11/20/2018)
11/20/2018	12	ORDER granting 9 unopposed motion for intervention; Blue Cross Blue Shield of Michigan Mutual Insurance Company, shall no later than 11/27/2018, file an answer consistent with the proposed answer; signed by Judge Janet T. Neff (Judge Janet T. Neff, rmw) (Entered: 11/20/2018)
11/21/2018	13	REQUEST for pre-motion conference by plaintiff Varnum LLP <i>for Summary Judgment Motion</i> (Phelps, Aaron) (Entered: 11/21/2018)
11/21/2018	14	ANSWER to complaint, 1 with affirmative defenses by Blue Cross Blue Shield of Michigan Mutual Insurance Co. (O'Reilly, Arthur) (Entered: 11/21/2018)
11/21/2018		(NON-DOCUMENT) ATTORNEY APPEARANCE of C. Kevin Marshall on behalf of intervenor Blue Cross Blue Shield of Michigan Mutual Insurance Co. (Marshall, C.) (Entered: 11/21/2018)
11/26/2018		(NON-DOCUMENT) ATTORNEY APPEARANCE of Rebecca D'Arcy O'Reilly on behalf of intervenor Blue Cross Blue Shield of Michigan Mutual Insurance Co. (O'Reilly, Rebecca) (Entered: 11/26/2018)
11/27/2018	15	RESPONSE TO REQUEST for pre-motion conference by plaintiff Varnum LLP <i>for Summary Judgment Motion</i> 13 and Defendant United States Department of Labor's Pre-Motion Conference Request and Response to Plaintiff's Pre-Motion Conference Request; filed by United States Department of Labor (Almassian, Carolyn) Modified text on 11/29/2018 (ems). (Entered: 11/27/2018)
11/28/2018	16	RESPONSE TO REQUEST for pre-motion conference by plaintiff Varnum LLP <i>for Summary Judgment Motion</i> 13 ; filed by Blue Cross Blue Shield of Michigan Mutual Insurance Co. (O'Reilly, Arthur) (Entered: 11/28/2018)
12/04/2018	17	ORDER scheduling a pre-motion conference regarding document number 13 : pre-motion conference is set for 1/9/2019 at 02:30 PM at 401 Federal Building, Grand Rapids, MI before Judge Janet T. Neff; signed by Judge Janet T. Neff (Judge Janet T. Neff, rmw) (Entered: 12/04/2018)
12/04/2018	18	ORDER rescheduling Rule 16 conference: Rule 16 scheduling conference rescheduled to 1/9/2019 at 02:30 PM at 401 Federal Building, Grand Rapids, MI before Judge Janet T. Neff; joint status report due by 1/2/2019; signed by Judge Janet T. Neff (Judge Janet T. Neff, rmw) (Entered: 12/04/2018)
12/04/2018	19	RESPONSE TO 15 United States Department of Labor's Pre-Motion Conference Request filed by intervenor Blue Cross Blue Shield of Michigan Mutual Insurance Co. (O'Reilly, Arthur) (Entered: 12/04/2018)
12/13/2018	20	REQUEST for pre-motion conference by intervenor Blue Cross Blue Shield of Michigan Mutual Insurance Co. <i>for Summary Judgment Motion</i> (O'Reilly, Arthur) (Entered: 12/13/2018)
12/14/2018	21	RESPONSE TO REQUEST for pre-motion conference by intervenor Blue Cross Blue Shield of Michigan Mutual Insurance Co. <i>for Summary Judgment Motion</i> 20 and Department of Labor Pre-Motion Conference Request 15 ; filed by Varnum LLP (Phelps, Aaron) Modified text on 12/14/2018 (ems). (Entered: 12/14/2018)
12/17/2018	22	ORDER scheduling a pre-motion conference regarding document number 20 : pre-motion conference is set for 1/9/2019 at 02:30 PM at 401 Federal Building, Grand Rapids, MI before Judge Janet T. Neff; signed by Judge Janet T. Neff (Judge Janet T. Neff, rmw) (Entered: 12/17/2018)

01/02/2019	23	JOINT STATUS REPORT (Phelps, Aaron) (Entered: 01/02/2019)
01/09/2019	24	MOTION to stay by defendant United States Department of Labor; (Almassian, Carolyn) (Entered: 01/09/2019)
01/09/2019	25	CERTIFICATE regarding compliance with LCivR 7.1(d) re MOTION to stay 24 filed by United States Department of Labor (Almassian, Carolyn) (Entered: 01/09/2019)
01/09/2019	26	ORDER granting to an extent 24 motion to stay; notice cancelling today's proceedings to issue; signed by Judge Janet T. Neff (Judge Janet T. Neff, rmw) (Entered: 01/09/2019)
01/09/2019	27	NOTICE cancelling today's Rule 16 scheduling conference (Judge Janet T. Neff, rmw) (Entered: 01/09/2019)
01/09/2019	28	NOTICE cancelling today's pre-motion conference (Judge Janet T. Neff, rmw) (Entered: 01/09/2019)
02/01/2019	29	UNOPPOSED MOTION for order <i>To Lift Stay</i> by defendant United States Department of Labor; (Attachments: # 1 Proposed Order to Lift Stay) (Almassian, Carolyn) Modified text on 2/4/2019 (ems). (Entered: 02/01/2019)
02/01/2019	30	CERTIFICATE regarding compliance with LCivR 7.1(d) re UNOPPOSED MOTION for order <i>To Lift Stay</i> 29 filed by United States Department of Labor (Almassian, Carolyn) Modified text on 2/4/2019 (ems). (Entered: 02/01/2019)
02/20/2019	31	ORDER granting 29 motion to lift stay; signed by Judge Janet T. Neff (Judge Janet T. Neff, rmw) (Entered: 02/20/2019)
02/20/2019	32	MOTION to stay <i>proceedings</i> by intervenor Blue Cross Blue Shield of Michigan Mutual Insurance Co.; (Attachments: # 1 Exhibit A) (Marshall, C.) (Entered: 02/20/2019)
02/20/2019	33	BRIEF in support of MOTION to stay <i>proceedings</i> 32 filed by Blue Cross Blue Shield of Michigan Mutual Insurance Co. (Marshall, C.) (Entered: 02/20/2019)
02/20/2019	34	CERTIFICATE regarding compliance with LCivR 7.1(d) re MOTION to stay <i>proceedings</i> 32 filed by Blue Cross Blue Shield of Michigan Mutual Insurance Co. (Marshall, C.) (Entered: 02/20/2019)
03/01/2019	35	NOTICE re 32 of <i>Supplemental Authority</i> by intervenor Blue Cross Blue Shield of Michigan Mutual Insurance Co. (Attachments: # 1 Exhibit A) (Marshall, C.) (Entered: 03/01/2019)
03/06/2019	36	RESPONSE TO MOTION to stay <i>proceedings</i> 32 filed by Varnum LLP (Attachments: # 1 Exhibit A - Settlement Agreement with BCBSM, # 2 Exhibit B - Stipulated Protective Order, # 3 Exhibit C - Trial Exhibits 524-527, # 4 Exhibit D - Forms 5500, # 5 Exhibit E - Information re Form 5500 Series, # 6 Exhibit F - Search, # 7 Exhibit G - FreeERISA Benefits website) (Phelps, Aaron) (Entered: 03/06/2019)
03/12/2019	37	UNOPPOSED MOTION for leave to file <i>reply in support of motion to stay proceedings</i> 32 by intervenor Blue Cross Blue Shield of Michigan Mutual Insurance Co.; (Attachments: # 1 Exhibit A (Proposed Reply)) (Marshall, C.) (Entered: 03/12/2019)
03/12/2019	38	CERTIFICATE regarding compliance with LCivR 7.1(d) re UNOPPOSED MOTION for leave to file <i>reply in support of motion to stay proceedings</i> 32 filed by Blue Cross Blue Shield of Michigan Mutual Insurance Co. (Marshall, C.) (Entered: 03/12/2019)
03/13/2019	39	ORDER denying 32 motion to stay; granting 37 motion for leave to file; signed by Judge Janet T. Neff (Judge Janet T. Neff, clb) (Entered: 03/13/2019)
03/13/2019	40	REPLY to response to motion 32 (<i>as filed per Order</i> 39) filed by Blue Cross Blue Shield of Michigan Mutual Insurance Co. (ems) (Entered: 03/13/2019)
03/14/2019	41	ORDER scheduling a pre-motion conference regarding document numbers 13 , 20 : pre-motion conference is set for 4/26/2019 at 01:30 PM at 401 Federal Building, Grand Rapids, MI before Judge Janet T. Neff; signed by Judge Janet T. Neff (Judge Janet T. Neff, rmw) (Entered: 03/14/2019)